



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

July 1, 2011

Dr. Richard Shank  
Senior Vice President  
Regulatory and Government Affairs  
The Scotts Miracle-Gro Company  
14111 Scottslawn Road  
Marysville, Ohio 43041

Dear Dr. Shank:

On September 13, 2010, you sent a letter to me requesting confirmation on the regulatory status of glyphosate tolerant Kentucky bluegrass (*Poa pratensis* L.) that you have genetically engineered using biolistics and genetic material from other plant species. I have directed Michael Gregoire, Deputy Administrator of Animal and Plant Health Inspection Service's (APHIS) Biotechnology Regulatory Services, to respond to your inquiry about regulatory status in a separate letter. The response from APHIS will confirm that this particular variety of Kentucky bluegrass is not subject to APHIS biotechnology regulations.

In addition, however, I want to take the opportunity to urge that you work closely with a broad range of stakeholders in developing stewardship plans for testing and commercialization of this product. The Department of Agriculture (USDA) is committed to helping ensure that genetic engineering (GE) and non-GE agricultural sectors can continue to thrive and be successful. Although the GE Kentucky bluegrass variety is in the early stages of development, the USDA recognizes that if this GE variety were to be commercially released, producers wishing to grow non-GE Kentucky bluegrass will likely have concerns related to gene flow between the GE variety and non-GE Kentucky bluegrass. Exporters of Kentucky bluegrass seed, growers of non-GE Kentucky bluegrass seed, and those involved in the use of non-GE Kentucky bluegrass in pastures will likely have concerns about the loss of their ability to meet contractual obligations.

USDA therefore strongly encourages Scotts to discuss these concerns with various stakeholders during these early stages of research and development of this GE Kentucky bluegrass variety and thereby develop appropriate and effective stewardship measures to minimize commingling and gene flow between GE and non-GE Kentucky bluegrass. USDA is willing to be an engaged partner and facilitate the conversations between Scotts and other stakeholders.

I look forward working with you on these issues in the future.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Vilsack".

Thomas J. Vilsack  
Secretary